

REMARKS

STATUS OF THE CLAIMS

Claims 1-31 are presently pending. No claim amendments have been made, and thus no new matter has been added.

REJECTION UNDER 35 U.S.C. §103

1. U.S. Patent No. 5,492,638 in view of U.S. Patent No. 5,358,650 and U.S. Patent No. 4,584,113

Claims 1-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,492,638 to Wallace et al. ("*Wallace*") in view of U.S. Patent No. 5,358,650 to Srinivasan et al. ("*Srinivasan*") and U.S. Patent No. 4,584,113 to Walsh ("*Walsh*"). Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness. In particular, the Examiner has failed to establish that the combination of references teaches or suggests the claimed invention.

The Examiner has admitted that *Wallace* does not teach or suggest the presently claimed friction modifying compound, (c). See Office Action at page 3. The Examiner has relied upon *Srinivasan* for teaching a polyalkylene polyamine and has argued that "this component meets the requirements of [A]pplicant's component (c), in that it comprises an alkylene amine compound." See *id.* at page 4. However, *Srinivasan* does not teach or suggest a composition comprising the claimed friction modifying compound.

Srinivasan teaches Mannich base dispersants that are "condensation products formed by condensing a long-chain hydrocarbon-substituted phenol with one or more aliphatic aldehydes...and one or more polyamines, usually one or more polyalkylene

polyamines." See col. 8, lines 23-29. Thus, the reference merely teaches polyalkylene polyamines used as raw material to form an end product. At most, *Srinivasan* teaches a modified polyalkylene polyamine, if that.

The Examiner seems to be equating a polyalkylene polyamine used as raw material to produce a dispersant with the presently claimed friction modifying compound. However, a person skilled in the art considering *Srinivasan* as a whole would not contemplate using a polyalkylene polyamine as an individual component in a finished composition. In particular, because *Srinivasan* does not teach or suggest using an unreacted polyalkylene polyamine in a fully finished composition, a person skilled in the art would only consider using the disclosed polyalkylene polyamine by first reacting it with a phenol and an aldehyde to form a Mannich base dispersant, as taught by the reference.

Furthermore, as the Examiner has acknowledged, "a component and its functions cannot be separated." See Office Action at page 4. The reference only teaches using polyalkylene polyamines to form a dispersant. The reference does not teach or suggest the functions of an unreacted polyalkylene polyamine. Thus, because *Srinivasan* does not teach or suggest an unreacted polyalkylene polyamine, the reference also does not teach or suggest a friction modifying compound. *Srinivasan* only teaches or suggests a reacted polyalkylene polyamine compound that possesses dispersant functions.

Therefore, the reference does not overcome the deficiency of *Wallace* because it does not teach or suggest a friction modifying compound comprising an alkylene amine compound, as recited in the present claims.

The Examiner has also argued that Walsh "discloses lubricants that contain sulfurized components of a mixture of a terpene and a polyolefin." The Examiner has further argued that "these reactants may contain amine and/or amide groups." See Office Action at page 3. Applicants note the Examiner's characterization of the terpene and olefinic compounds as "reactants." The reference specifically teaches sulfurized terpene and olefinic compounds that may comprise amine and/or amide groups (see col. 2, line 60 - col. 3, lines 1-5), e.g., terpene and olefinic compounds that are reacted with sulfurizing agents. See col. 7, lines 41-42. The reference thus teaches modified terpene and olefinic compounds.

The Examiner also seems to be equating sulfurized terpene and olefinic compounds with the presently claimed friction modifying compound. However, a person skilled in the art considering *Walsh* as a whole would not contemplate using an unreacted terpene or olefinic compound as an individual component in a finished composition. In particular, because *Walsh* does not teach or suggest using an unreacted terpene or olefinic compound in a fully finished composition, a person skilled in the art would only consider using the disclosed sulfurized compounds, as taught by the reference.

Moreover, as discussed above, "a component and its functions cannot be separated." *Walsh* only teaches using sulfurized terpene and olefinic compounds which "function primarily as oxidation inhibitors and extreme pressure and antiwear agents." See col. 14, lines 45-47. *Walsh* does not teach or suggest the functions of an unreacted alkylene amine compound, much less for use as a friction modifying compound. Therefore, *Walsh* does not overcome the deficiency of *Wallace* or

Srinivasan because it does not teach or suggest a friction modifying compound comprising an alkylene amine compound, as recited in the present claims.


For at least the foregoing reasons, the Examiner has failed to establish that the cited references, alone or in combination, would have rendered obvious the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-2961.

Respectfully submitted,

 Aug. No. 44, 436
for

Dated: October 24, 2006

By: _____
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